

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Attorney Docket No.
AUS9-2000-0328US1
1752P

In the application **Matthew E. AUBERTINE**

Confirmation No: **1975**

Serial No: **09/903,947**

Group Art Unit: **2193**

Filed: **July 12, 2001**

Examiner: **Vu, Tuan A.**

For: **METHOD AND SYSTEM FOR MINIMIZING THE CYCLE TIME WHEN COMPLING A PROGRAM IN A
PROCESSING SYSTEM**

The owner*, **INTERNATIONAL BUSINESS MACHINES CORPORATION**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **09/903,937**, filed on **July 12, 2001**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application(s) may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application(s). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application(s), "as the term of any patent granted on said reference application(s) may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application(s)," in the event that: any such patent: granted on the pending reference application(s): expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate

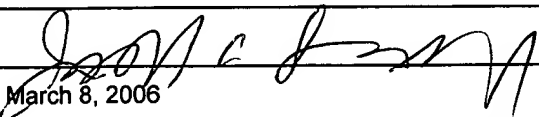

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Attorney Name | Joseph A. Sawyer, Jr., Reg. No. 30,801 |
| Signature |  |
| Date | March 8, 2006 |
| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 8, 2006 | |
| Type or printed name | Kym Moore |
| Signature |  |